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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,557	01/30/2001	Yasuo Nomura	202489US6	9407
22850 7590 04/16/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER ATALA, JAMIE JO				
ART UNIT 2621		PAPER NUMBER		
NOTIFICATION DATE 04/16/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/771,557

Applicant(s)

NOMURA ET AL.

Examiner

JAMIE JO ATALA

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 9, 2010 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 6, 10, 11, 14, 16 are rejected under 35 U.S.C. 101 because in the state of the art, transitory signals are commonplace as a medium for transmitting computer instruction and thus, in the absence of any evidence to the contrary and give the broadest reasonable interpretation, the scope of a "computer readable medium" covers a signal per se.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable by Hashizume et al (US 2003/0142955) in view of Smith et al (US 5,822,542) in view of Seo (US 6,798,980) in further view of Epstein (US 6,601,046).

[claim 1]

In regard to Claim 1, Hashizume et al discloses an information processing apparatus and method capable of copying image information recorded on a first recording medium onto a second recording medium, comprising:

- display control means for controlling displaying of a copying operation window which includes a first icon corresponding to the first recording medium, an image information icon corresponding to the image information recorded on the first recording medium and a second icon corresponding to the second recording medium (Figure 3 shows the display control means for displaying the various operations occurring in the system. Furthermore, Figure 6 shows the icon for the first and second recording mediums in element 602 as described in paragraphs 0062-0065);

- moving means for selecting and moving an icon for copying operation window to the second icon (Figure 6 shows the operation of selecting and moving one of the image information in window copying or editing of the scene as further explained in Paragraph 0017-0018);
- determining means for determining of the moving means moves icon to the second icon (Paragraph 0078-0080 describes the determining of moving icons and furthermore can be seen the determining of what icons are moved);
- first setting means for setting whether or not a data format of the image moving means for selecting and information determined as an object of copying by moving means should be converted based on the user input (Paragraph 0009, 0018, and 0048-0049 discloses a setting means for data format);
- readout means for reading out the image information corresponding to the one of the at least one image information icon selected by said moving means from the first recording medium (Figure 8 shows the reading of data from the storage devices that contains a log image file unit to select an image icon based on moving images as described in paragraph 0046);
- writing means for writing the image information read out by said readout means or the image information converted by said conversion means onto second recording medium based on the setting of said first setting means

(Figure 2 shows the writing of data based on data being read from the system); however fails to disclose

- moving means for selecting and moving one of the at least one image information icon
- determining means for determining if the moving means moves the one of at least one image information icon to the second icon
- conversion means for converting the data format of the image information read out by said readout means based on the setting of said first setting means
- means for automatically displaying a plurality options to be selected based on a result of the determining means prior to copying the image information recorded on the first recording medium onto the second recording medium and wherein the selection received responsive to the displayed plurality of options

Smith et al teaches a system for video information management further comprising:

- moving means for selecting and moving one of the at least one image information icon (Figure 151 shows the moving of an icon as described in Column 86 Lines 39-62 the icon representing "camera video stream for display". Thereby the moving of the icon teaches the limitations of moving an image information icon);
- determining means for determining if the moving means moves the one of at least one image information icon to the second icon

(Column 86 Lines 38-67 describes the determining of the icon representing a video stream to a certain area for processing).

It is taught by Smith et al to provide an icon representing image information and further provide selecting and moving the image to an area for further processing to allow for a more efficient system to be used by the user. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the system of moving icons into a copying operation window, as disclosed by Hashizume, and further teach the system to provide icons representing image data, as taught by Smith et al, in order to provide the user with an efficient system representing location of image data in a concise manner.

Seo discloses an apparatus wherein the audio/video data is converted further comprising:

- o conversion means for converting the data format of the image information read out by said readout means based on the setting of said first setting means (Figure 1 shows the storage of data and furthermore, as described in Column 3 lines 35+ the converter is used to allow for proper storage and displaying of the data as it is being processed.

It is taught by Seo to teach a system for converting data to allow for proper storage of information when various information is being processed by the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the information process apparatus as disclosed by Hashizume et al, in view of

Smith et al, and further incorporate a conversion means for converting data format, as disclosed by Seo, in order to allow for a system that provides various data inputs.

Epstein teaches a system that allows for the user to determine allocation between two recording mediums based on restrictions of the system and of the user. As seen in Figure 2 and described in Column 6 Lines 65+ through Column 7 Lines 1-67 describes the ability for the user to determine what recording medium to have the contents recorded onto based on guidelines provided by the system and that of the user. The system allows for the user to select the medium in order to provide a usage-limit for each recording medium. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the information processing apparatus as disclosed by Hashizume et al in view of Smith et al, and further allow for a user selectable recording medium for the data to be stored, as taught by Epstein, in order to allow for a user-selectable storage system for the data.

[claim 2]

In regard to Claim 2, Hashizume et al discloses an information processing wherein the first recording medium is built in said information processing apparatus, and the second recording medium is an external storage medium which can be removably connected to said information processing apparatus (Figure 2 and Figure 8 displays various recording medium furthermore as described in Paragraph 0007 the recording mediums that are present can be removable (i.e. magnetic disk)).

[claims 3]

In regard to Claim 3, Hashizume et al discloses an information processing apparatus; however, fails to disclose that the conversion means converts the data format of the image information from that of the MPEG 2 system to that of the MPEG 1 system or MPEG 1 system to MPEG 2 system. Seo describes in Column 3 Lines 35+ the conversion of MPEG 2 to an MPEG 1 system and thereby provides a method for down converting the MPEG standard. This process is done to provide backward compatibility in order to provide output for older MPEG systems in the form of MPEG 1.

Furthermore, it is well known in the art to convert MPEG 1 to an MPEG 2 system to upgrade the current data of the system. Both types of conversion provide compatibility within the system that has two standards present. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the information processing apparatus, as disclosed by Hashizume et al, and further incorporate a conversion of MPEG in the system to allow for greater use through various systems, as disclosed by Seo.

[claim 4]

In regard to Claim 4, Hashizume et al discloses an information processing apparatus according to claim 1, further comprising second setting means for setting whether or not the image information of an original determined as the object of copying should be deleted, and deletion means operable in response to a result of the setting of said second setting means for either deleting or placing into a disabled state the image information of the original of the object of copying recorded on the first recording medium after the processing of said writing means is completed (Figure 4 shows an

error message that occurs through the monitoring to determine if the dubbing is done correctly as further described in paragraphs 0016-0018. If any abnormalities are detected the system instructs the recording medium to provide an error message). Furthermore, Epstein teaches various selection options for recording the material as described in Column 7 Lines 1+.

[claim 5]

In regard to Claim 5, the claim limitations have been discussed in Claim 1.

[claim 6]

In regard to Claim 6, the claim limitations have been discussed in Claim 1.

[claim 7]

In regard to Claim 7, the claim limitations have been discussed in Claim 3.

[claim 8]

In regard to Claim 8, the claim limitations have been discussed in Claim 3.

[claim 9]

In regard to Claim 9, the claim limitations have been discussed in Claim 3.

[claim 10]

In regard to Claim 10, the claim limitations have been discussed in Claim 3.

[claim 11]

In regard to Claim 11, the claim limitations have been discussed in Claim 3.

[claim 12]

In regard to Claim 12, Hashizume et al discloses an information processing apparatus according to Claim 1, wherein the display control means is further configured to

highlight the first icon corresponding to the first recording medium after selection of the first icon, and is configured to display the at least one image information icon corresponding to the image information recorded on the first recording medium in the copying operation window (Figure 6 shows the icon for the first and second recording mediums in element 602 as described in paragraphs 0062-0065).

[claim 13]

In regard to Claim 13, Hashizume et al discloses an information processing method the controlling displaying of the copying operation further includes:

- highlighting the first icon corresponding to the first recording medium after selecting of the first icon (Figure 1 shows the operation of selecting and moving one of the image information in window copying and highlighting the scene as further explained in Paragraph 0077-0079);
- displaying the at least one image information icon corresponding to the image information recorded on the first recording medium in the copying operation window (Figure 6 shows the display control means for displaying the various operations occurring in the system as further described in paragraphs 0048-0053).

[claim 14]

In regard to Claim 14, Hashizume et al discloses a program storage medium according to Claim 6, wherein the controlling displaying of the copying operation further includes:

- highlighting the first icon corresponding to the first recording medium after selecting of the first icon (Figure 1 shows the operation of selecting and moving

one of the image information in window copying and highlighting the scene as further explained in Paragraph 0077-0079);

- displaying the at least one image information icon corresponding to the image information recorded on the first recording medium in the copying operation window(Figure 6 shows the display control means for displaying the various operations occurring in the system as further described in paragraphs 0048-0053).

[claim 15]

In regard to Claim 15, Epstein teaches an information processing method further comprising: setting whether the image information of an original determined as the object of copying should be deleted based on selection received responsive to the displayed plurality of options (Column7 Lines 1+), and either deleting or placing into a disabled state the image information of the original of the object of copying recorded on the first recording medium after the processing of said writing means is completed based on the setting whether the image should be deleted (Column 7 Lines 25+)

[claim 16]

In regard to Claim 16, the claim limitations have been discussed in Claim 3.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMIE JO ATALA whose telephone number is (571)272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. Effective July 15, 2005, the Central Fax Number will change to 571-273-8300. Faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/JAMIE JO ATALA/

Primary Examiner, Art Unit 2621